



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: KÖSTER *et al.*

Serial No.: 09/067,337

Confirmation No.: 9981

Filed: April 27, 1998

For: **SOLUTION PHASE BIOPOLYMER SYNTHESIS**

Art Unit: 1623

Examiner: Young, Josephine

### CERTIFICATE OF MAILING BY "EXPRESS MAIL"

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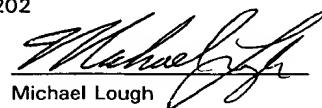
Date of Deposit January 24, 2003

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Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

01/24/03

Date



Michael Lough

### TRANSMITTAL LETTER

Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

Dear Sir:

Transmitted herewith is a Response to the Office Action, mailed December 31, 2002, for filing in connection with the above-identified application.

The Commissioner is hereby authorized to charge any fee, including the fee for the extension of time, that may be due in connection with this and the attached papers or with this application during its entire pendency to Deposit Account No. 50-1213. A duplicate of this sheet is enclosed.

Respectfully submitted,  
HELLER EHRLMAN WHITE & McAULIFFE LLP

By:

  
Stephanie Seidman  
Registration No. 33,779

Attorney Docket No. 24743-2301

Address all correspondence to:

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J. Lough Jr.

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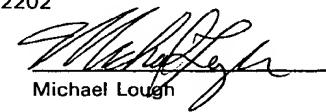
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Michael Lough

## RESPONSE

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Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

Dear Sir:

Responsive to the Office Action, mailed on December 31, 2002, entry of the following remarks is respectfully requested.

## REMARKS

Any fees that may be due, including those indicated as submitted, that may be due in connection with filing this paper or with this application during its pendency may be charged to Deposit Account No. 50-1213. If a Petition for extension of time is needed, this paper is to be considered such Petition.

The Office Communication alleges that the amendment and response filed on October 16, 2002, is not fully responsive because it is unclear as to what species Applicant wishes to elect for prosecution in the present application.

The Examiner is thanked for her courtesy extended in granting a telephonic interview to clarify the Election of Species and pending claims. As discussed in the telephonic interview, it is respectfully submitted that applicant



U.S.S.N. 09/067,337

KÖSTER et al.

RESPONSE

has elected the species represented by formula Ia, drawn to liquid phase carriers which do not contain 2'-deoxythymidine-3'-O-yl. This election was acknowledged in the Office Action mailed July 16, 2002. It is further noted that currently pending claims 5-7, 11-16, 29, 33-37, 39, 45 and 49, read on the elected species.

\* \* \*

In view of the above, allowance of the application is respectfully requested.

Respectfully submitted,  
HELLER EHRMAN WHITE & McAULIFFE LLP

By:

Stephanie L. Seidman  
Registration No. 33,779

Attorney Docket No. 24743-2301

Address all correspondence to:

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